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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

VINCE MING WAN,
a/k/a Nelson Wan,
a/k/a Phillip Hoang,
ALEX WAI SHING FONG.
PHUNG VAN NGUYEN,
KITTY YEE LI,
JAY YUAN, and
MICHAEL YUK LAM LEUNG,

Defendants.

Crim. No. 06-426 SI

(PROPOSED) ORDER EXCLUDING
TIME FROM SPEEDY TRIAL ACT
COMPUTATION

The parties appeared before the Court on May 23, 2008 at 11:00 a.m. Defendant Alex Fong appeared in custody with his attorney Claire Leary; Vince Wan appeared with his attorney Douglas Horngrad; Kitty Li appeared with her attorney John Hemann; Phung Van Nguyen appeared with his attorney Tony Tamburello; Michael Leung appeared with attorney Claire Leary, who specially appeared for attorney Juliana Drous; and Jay Yuan appeared with

1 attorney Tony Tamburello, who appeared specially for attorney Randy Sue Pollack. The United
2 States appeared through Assistant U.S. Attorneys Andrew M. Scoble and Nicole M. Kim.

3 At the hearing, the parties jointly requested the setting of motion dates. Government
4 counsel added that plea discussions with defendants will continue to the extent possible.

5 The parties further agreed, with their attorneys' concurrence, that defense motions will be
6 filed on or before June 27, 2008, the Government will file its opposition on or before July 25,
7 2008, and any reply will be filed on or before August 12, 2008. The parties further requested a
8 motions hearing on August 22, 2008 at 11:00 a.m. Due to the filing of motions, as well as for
9 continuity of counsel, it is appropriate to exclude from the otherwise applicable Speedy Trial Act
10 computation the period from May 23, 2008 through June 27, 2008, because the legal and factual
11 complexity of the case renders it unreasonable to expect adequate preparation for pretrial
12 proceedings and for the trial within the otherwise applicable time limits set forth in the Speedy
13 Trial Act.

14 Based upon the above-described representations and the parties' agreement in open
15 Court, THE COURT HEREBY FINDS THAT the ends of justice served by granting the
16 continuance from May 23, 2008 through June 27, 2008 outweigh the best interests of the public
17 and the defendants in a speedy trial, and that the case is so legally and factually complex, due to
18 the nature of the prosecution (including the volume and range of discovery, and the nature of the
19 underlying investigation), and the number of defendants, that it is unreasonable to expect
20 adequate preparation for pretrial proceedings and for the trial within the otherwise applicable
21 time limits set forth in the Speedy Trial Act, within the meaning of 18 U.S.C. §§ 3161(h)(8)(A),
22 and (B)(ii) and (iv).

23 ACCORDINGLY, THE COURT ORDERS THAT:

- 24 1. This case is continued to June 27, 2008, the date by which defense motions will
25 be filed in connection with this case. The Government will file its opposition on
26 or before July 25, 2008, and any reply will be filed on or before August 12, 2008.
27 The motions hearing will be on August 22, 2008 at 11:00 a.m.
- 28 2. The period from May 23, 2008 through June 27, 2008 is excluded from the

otherwise applicable Speedy Trial computation, pursuant to 18 U.S.C. §§
3161(h)(8)(A) and (B)(ii) and (iv).

IT IS SO ORDERED.

DATED: _____, 2008



HON. SUSAN ILLSTON
United States District Judge